

REMARKS

The Examiner has rejected Claims 1, 5-11, and 15-20 under 35 U.S.C. 102(e) as being anticipated by Bowman-Amuah (U.S. Patent 6,615,253). Applicant respectfully disagrees with this rejection, especially in view of the amendments made hereinabove. Specifically, the subject matter of Claims 2-4 et al. has been incorporated into each of the independent claims.

For example, the Examiner rejection of the subject matter of the independent claims is replete with deficiencies. Just by way of example, the Examiner relies on a wide array of excerpts from Bowman-Amuah to make a prior art showing of similar (but not identical) language in each of the independent claims. Such reliance is set forth in the matrix below. Further set forth in the matrix below is bolded claim language which applicant asserts is not even suggested by the Examiner's cited excerpts. Further included are comments emphasizing the points of novelty in each of the claims.

<u>Excerpts from Independent Claims/Comments</u>	<u>Excerpts from Bowman-Amuah</u>
<p><u>"responding to the peer client with a response containing the location remote to the peer server if information on the requested service function is located"</u> (see Claim 1)</p> <p><u>Comments:</u> Simply nowhere is there even a suggestion of a response to a peer client which specifically contains the location remote to the peer server, involving the following specifically claimed condition: "if information on the requested service function is located."</p>	<p><u>"During retrieval, one request may depend on the response data for another request. For example, a business transaction that tries to retrieve a customer when given a customer ID will probably also want to retrieve the customer's address. However, the transaction won't have the address ID until the customer is retrieved. Thus multiple network messages are required when one request is dependent on another. The Dependent Request pattern solves this problem by allowing a batched request to indicate that it depends on another request."</u> (col. 295, lines 38-47)</p>
<p><u>"receiving a response from a responding peer server, the packet</u></p>	<p><u>"FIG. 16 illustrates File Sharing services 1512. File Sharing services allow users to view, manage, read,</u></p>

<p><u>containing information regarding a designated provider for the requested service function, the information including a location of the designated provider remote to the responding peer server</u>" (see Claim 8)</p>	<p>and write files that may be located on a variety of platforms in a variety of locations. File Sharing services enable a unified view of independent file systems. This is represented in FIG. 16, which shows how a client can perceive remote files as being local." (col. 58, lines 51-57)</p>
<p><u>Comments:</u> Simply nowhere in the cited Bowman-Amuah excerpt is there even a suggestion of a response from a peer server which specifically contains the location remote to the peer server, as claimed.</p>	
<p><u>"computer code that responds to the peer client with a response containing the location remote to the peer server if information on the requested service function is located"</u> (see Claim 11)</p> <p><u>Comments:</u> Simply nowhere in the cited Bowman-Amuah excerpt is there even a suggestion of a response to a peer client which specifically contains the location remote to the peer server, involving the following specifically claimed condition: "if information on the requested service function is located."</p>	<p>"The Component Integration Architecture (8008) is the component that allows clients to communicate and remotely invoke functions on the server components. Typically this is based on some middleware standard (e.g., CORBA or MTS)." (col. 218, lines 60-63)</p>
<p><u>"computer code that receives a response from a responding peer server, the packet containing information regarding a designated provider for the requested service function, the</u></p>	<p>"The Component Integration Architecture (8008) is the component that allows clients to communicate and remotely invoke functions on the server components. Typically this is based on some middleware standard (e.g., CORBA or MTS)." (col.</p>

<p><u>information including a location of the designated provider remote to the responding peer server” (see Claim 18)</u></p> <p><u>Comments:</u> Simply nowhere in the cited Bowman-Amuah excerpt is there even a suggestion of a response from a peer server which specifically contains the location remote to the peer server, as claimed.</p>	218, lines 60-63)
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The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the Bowman-Amuah reference, as noted above. Despite the aforementioned paramount difference between the claimed invention and the prior art of record and in the interest of expediting the prosecution of the present application, applicant has amended each of the independent claims to include the following subject matter of former Claims 2-4 et al.:

“wherein said peer server listens for a broadcast response packet over the network for a randomly generated delay response period prior to said responding, wherein said responding is only performed upon non-receipt of the response packet at expiry of the delay response period, and said responding is cancelled upon receipt of the broadcast response packet during the randomly generated delay response period” (emphasis added – see this or similar language in all of the independent claims).

The Examiner has rejected such subject matter of Claims 2-4 et al. under 35 U.S.C. 103(a) as being unpatentable over Bowman-Amuah (U.S. Patent 6,615,253), in view of Kouznetsov (U.S. Patent 6,782,527). Applicant respectfully disagrees with this rejection.

Specifically, the Examiner relies on the following excerpts from Bowman-Amuah and Kouznetsov to meet the aforementioned claimed features from Claims 2-4 et al. (now present in each of the independent claims).

"As a further option, a queuing delay may be accommodated for a response from the clients." (see col. 260, lines 5-6 from Bowman-Amuah)

"In order to prevent potential race conditions the client must be given sufficient time to respond to the keep alive message from the server before the context is deleted. Typically the client has a separate listener for upward messages originating at the server, so queuing is not an issue at the client end. However, a server is more likely to queue on the receiving end, especially in a system with high message rates.

Unless there is a dedicated listener on the server it must be configured to accommodate for any queuing delay on receipt of the client response." (see col. 261, lines 22-32 from Bowman-Amuah)

"To avoid multiple agents responding at the same time, each agent optionally delays its response for a preset or random amount of time ranging from, for example, zero to two seconds. This delay allows the responses from multiple agents to be dispersed through time. Once a requesting agent 202 has received the update, it too can participate in responding to subsequent distribution requests. In this manner, an update is propagated quickly through a subnet." (col. 8, lines 59-62 from Kouznetsov)

"12. The method of claim 11 wherein the different amounts of time are determined by a random time delay generator executing in the first and second network-coupled computing appliances." (col. 12, lines 53-56 from Kouznetsov)

With respect to the former subject matter of Claim 2 et al, the Bowman-Amuah delay merely suggests an acknowledgement that delay may have to be accommodated due to queuing of client requests at the server. Moreover, the random time delay generator of Kouznetsov operates to dictate when agents respond.

Thus, the prior art, when taken in combination, fail to meet applicant's claimed "wherein said peer server listens for a broadcast response packet over the network for a randomly generated delay response period prior to said responding" (emphasis added).

Specifically, the delays in the prior art references relate to the response of the clients, not a peer server. Moreover, the proposed prior art combination fails to suggest applicant's claimed use of both a broadcast response packet (from the client) and response (from the server), as claimed by applicant. Only applicant teaches and claims such a randomly generated delay period, during which the server listens for a broadcast response packet from the client(s), so that a response may be based thereupon.

With respect to the former subject matter of Claim 3 et al, applicant emphasizes that neither the Bowman-Amuah nor Kouznetsov reference suggests the use of both a broadcast response packet (from the client) and response (from the server), and thus, does not even suggest applicant's claimed "wherein said responding is only performed upon non-receipt of the response packet at expiry of the delay response period." Similarly, with respect to the former subject matter of Claim 4 et al, neither the Bowman-Amuah nor Kouznetsov reference suggests the claimed "responding [that] is cancelled upon receipt of the broadcast response packet during the randomly generated delay response period."

Again, only applicant teaches and claims the use of both a broadcast response packet (from the client) and response (from the server) that may optionally ensure that responses performed by a plurality of the peer servers are distributed among the peer servers.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, when combined, fail to teach or suggest all the claim limitations, as noted above. A notice of allowance or a specific prior art showing of all of applicant's claim limitations, in combination with the remaining claim elements, is respectfully requested.

Still yet, applicant brings to the Examiner's attention the following newly claimed subject matter for consideration:

"wherein the randomly generated delay ensures that responses performed by a plurality of the peer servers are distributed among the peer servers" (see Claims 21-24); and

"wherein the packet includes the following format: <service type = "X" version = "X" ID = "X" method = "X" href = http://X acceptproto = "X'" (see Claims 25-28).

Again, a notice of allowance or a specific prior art showing of each of the foregoing claimed features, in combination with the remaining claimed features, is respectfully requested.

In conclusion, all of the independent claims are deemed allowable. By virtue of their dependence on such independent claims, all of the remaining claims are further deemed allowable.

Reconsideration is respectfully requested.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. For payment of the fees due in connection with the filing of this paper, the Commissioner is authorized to charge such fees to Deposit Account No. 50-1351 (Order No. NAIIP276_01.015.01).

Respectfully submitted,
Zilka-Kotab, P.C.

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
Telephone: (408) 505-5100